



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Patent Application of

Applicants: Gauthier et al.

Ser. No.: 09/484,548

Filed on: 01/18/00

For: A MICROWAVE ABLATION INSTRUMENT WITH FLEXIBLE ANTENNA
ASSEMBLY AND METHOD

Docket No.: P025

Examiner: David, Isabella J.

Art Unit: 3738

3738
#24
Amatt F
S. Beyce
2/4/04

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313 on January 16, 2004.

Signed: Ross M. Carothers

Ross M. Carothers

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT (37 CFR 1.121)

Commissioner for Patents
PO Box 1450
Alexandria, VA

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JAN 22 2004

Dear Sir:

TECHNOLOGY CENTER R3700

In response to the Notice of Non-Compliant Amendment mailed December 16, 2003, a copy of which is provided herewith, please find enclosed herewith replacement pages for the entire "Amendments to the Claims" section, originally filed with the US Patent and Trademark Office, as part of the amendment document filed on December 5, 2003.

Applicants note that since the amendment document filed December 5, 2003 was part of a Request for Continued Examination, Applicants are granted one month from the mailing of the Notice to comply.

Respectfully Submitted,

By: Ross M. Carothers

Ross M. Carothers
Reg. No. 44,593

Date: 16-JAN-04

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Paper No. 9

Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 12/5/03 is considered non-compliant because it has failed to meet the requirements of CFR 1.121, as amended on June 30, 2003 (see 68 Fed. Reg. 38611, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following omission(s) or provision is required. Only the section (1.121(h)) of the amendment document containing the omission or non-compliant provision must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted.

THE FOLLOWING CHECKED (X) ELEMENTS(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____
- ☐ 3. Amendments to the drawings: _____
- ☒ 4. Amendments to the claims:
- ☒ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all claims (incl. withdrawn claims)
 - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☐ E. Other: _____

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For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given **ONE MONTH** from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH** time limit is not extendable.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION**, and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a **TIME PERIOD** of **ONE MONTH** from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSION: OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

Stefanie Byer
Legal Instruments Examiner (LIE)

July 22, 2003 (rev.)

703-308-1275
TRACY HANDROW
703-305-3453